IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NOs: 12415 and 12416 of 2004

WRIT PETITION NO : 12415 of 2004:

Between:

H. Chandra Shekhar S/o. Hanumanthu
R/o. 33-113/6 Asha Officers Colony, RK Puram,
Secunderabad (AP)-500015.

..... PETITIONER

AND

1 The Commandant, Headquarters, MC EME, Secunderabad A.P.
2 The Colonel Administration, Headquarters, MC EME, Secunderabad A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction orders or a Writ more appropriately one in the nature of a Writ of Mandamus directing declaring the action of the respondents herein " Declare the action of the Respondents herein in permitting certain persons in Respondents Unit Area to obstruct the petitioner herein and his workmen from performing the contract work of washing & Ironing services as per the contract dt. 01.09.2003 extended beyond 31.3.2004 vide Respondents offer dt. 13.03.2004 and accepted by the petitioner herein as being breach of the contractual terms and denial / deprivation of rights of the petitioner to carry on with his legitimate profession guaranteed under

Article 14, 16, 19, & 21 of the Constitution of India and therefore Ultra Vires.

Counsel for the Petitioner: MR.CAPT.K.M.SAXENA

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

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WRIT PETITION NO : 12416 of 2004:

Between:

H. Chandra Shekhar S/o. ;Hanumanthu,
R/o. 33-113/6 Asha Officers Colony, RK Puram,
Secunderabad (AP)-500015.

..... PETITIONER

AND

1 The Commandant, Headquarters, MC EME, Secunderabad A.P.
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Counsel for the Petitioner: MR.CAPT.K.M.SAXENA

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following:

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COMMON ORDER:

Since parties involved in both the writ petitions are one and the same, and the subject matter involved in both the writ petitions is similar, they are taken up together for disposal.

These writ petitions are filed seeking writs of Mandamus to declare the action of the respondents in permitting certain persons in respondents' Unit Area to obstruct the petitioner and his workmen from performing the contract works of (i) washing and ironing services and (ii) haircutting/barber shop services, respectively, as per the contracts dated 01-09-2003 extended beyond 31-03-2004 vide

respondents' Offers dated 13-03-2004 as illegal and arbitrary.

Heard both sides and perused the material available on record.

The facts, in brief, are that the petitioner claims to have been awarded contract works to provide laundry and hair cutting/barber services for a period of seven months commencing from 01-09-2003 till 31-03-2004, as per the terms and conditions entered into in the agreements of contracts dated 01-09-2003. Even after expiry of the said contracts period, the petitioner was permitted to continue to provide said contract works to the respondents. While so, the respondents called for fresh tenders for the year 2004-2005, vide tender notifications dated 25-03-2004 inviting third parties for the said contract works and the copies of the same were supplied to the petitioner by the second respondent. But, the case of the petitioner is that he had already submitted his fresh tenders for the year 2004-2005 for the said contract works, which are lowest to his knowledge. It is stated in the affidavits filed along with the writ petitions that some persons working in the first respondent establishment, acting at the behest of the second respondent have begun obstructing the petitioner and his workmen in attending the said contract works. Hence, the petitioner filed the present writ petitions.

Having regard to the facts and circumstances of the case, the remedy, if any, available to the petitioner, to enforce the contractual obligation, is to approach the competent Civil Court. If any third parties, without any lawful authority, obstruct the petitioner from continuing to provide said contract works, it is open for the petitioner to lodge a complaint against the said persons before the Police Station concerned. But, in the absence of any statutory or fundamental rights being infringed, this Court cannot enforce the said contracts nor create any contract between the petitioner and respondents 1 and 2.

In view of the same, I do not find any merit in the writ petitions and the same are accordingly dismissed at the admission stage.

19-07-2004

ghn/tsnr

To

1. The Commandant, Headquarters, MC EME, Secunderabad A.P.

2. The Colonel Administration, Headquarters, MC EME, Secunderabad A.P.

3. Two CD copies